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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,837	12/28/2000	Judith C. Espejo	BS00-157	5211

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EXAMINER

GARY, ERIKA A

ART UNIT PAPER NUMBER

2681

DATE MAILED: 08/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,837

Applicant(s)

ESPEJO ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, 9, and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson, US Patent Number 6,327,363 (hereinafter Henderson).

Regarding claims 1 and 12, Henderson teaches an interactive voice response system (and method) for prepaid wireless services comprising: a peripheral device [fig. 4: ref. 400] in communication with a mobile switching system [col. 7: lines 37-41], the mobile switching system capable of communicating with at least one wireless device [col. 7: lines 37-41], and an IVR application [fig. 4: ref. 408] on the peripheral device comprising a menu driven system adapted to receive information from a customer [col. 9: lines 3-7], an intelligent peripheral communicating with the peripheral device [fig. 4: ref. 402], wherein the intelligent peripheral plays voice messages through a voice path to the mobile switching system [col. 11: lines 8-10; col. 7: lines 37-41]. Wherein the peripheral device directs the customer to interact with the IVR application and connects the intelligent peripheral with the mobile switching system when the IVR service for the customer is required [col. 8: lines 2-7; col. 9: lines 3-7], and wherein the menu driven system responds to the information received from the customer by reciting a rate plan

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that is the current rate plan and features of the customer, and wherein the rate plan is provided to the customer by the intelligent peripheral through the voice path [col. 15: lines 5-6, 25-30].

Henderson does not specifically disclose the mobile switching system but does teach that the invention could perform equally well with other network configurations (i.e. wireless systems) [col. 7: lines 37-41]. Therefore, at the time of the invention, it would have been obvious to implement Henderson's interactive voice response system in a wireless environment with a mobile switching system as it is well known in the art to implement landline services and features in a wireless system.

Regarding claims 2-4 and 13-15, Henderson teaches reciting the customer's account information [col. 15: lines 5-6, 25-30]. It would have been obvious to one of ordinary skill in the art at the time of the invention to specifically recite the name of the rate plan, features, and monthly access fees to give the customer more detailed information.

Regarding claims 5, 6, 8, 9, and 16-19 Henderson discloses the peripheral device is an SCP [fig. 4: ref. 400] that communicates using IN TCAP messaging or TCP/IP [col. 10: line 2]

Regarding claims 11 and 20, Henderson discloses the Intelligent Peripheral plays the rate plan in voice messages to the customer through the voice path to the mobile switching system and the at least one wireless device [col. 7: lines 37-41; col. 13: lines 38-40; col. 15: lines 5-6, 25-30].

Response to Arguments

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750 or to the 2600 Customer Service Office at 703-306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9306 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive Arlington, VA., Sixth Floor (Receptionist).

Erika Gary
Primary Examiner

EAG
August 18, 2004


ERIKA GARY
PATENT EXAMINER